

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY MANILA

S E C R E T STATE 154048

LIMDIS

E.O. 11652: GDS

TAGS: PINS, PFOR, RP

SUBJECT: PROCULO RODRIGUEZ

REF: MANILA 6996

1. WE BELIEVE THAT NEITHER LEGAL NOR ADMINISTRATIVE ACTION IN THE RODRIGUEZ CASE IS FEASIBLE ON THE BASIS OF EVIDENCE PRESENTLY AVAILABLE. THIS CONCLUSION IS BASED UPON CONSULTATIONS WITH SEVERAL DEPT OFFICES, AS WELL AS INFORMAL DISCUSSIONS WITH FBI.

2. RODRIGUEZ IS A RESIDENT ALIEN; INS FILES INDICATE THAT HE ENTERED THE U.S. AS SPOUSE OF A THIRD PREFERENCE VISA RECIPIENT ON AUGUST 9, 1972 ON AN IMMIGRANT VISA ISSUED AT MANILA ON APRIL 27, 1972. IN THIS STATUS HE ENJOYS A HIGH DEGREE OF LEGAL PROTECTION FOR HIS ACTIVITIES IN THE U.S. ANY ATTEMPTED DEPORTATION PROCEEDINGS FOR A RESIDENT ALIEN

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ARE SUBJECT TO FULL JUDICIAL REVIEW. LITIGATION COULD LAST UP TO SEVERAL YEARS, WOULD BE AN EXPENSIVE, CUMBERSOME PRO-

CESS, AND WOULD PROVIDE HIM WITH A FORUM TO PUBLICIZE HIS ALLEGATIONS THAT THE U.S. WISHES TO REPRESS ANTI-MARCO MOVEMENTS.

3. THERE IS LITTLE LIKELIHOOD THAT DEPORTATION PROCEEDINGS WOULD SUCCEED. THE ONLY REMOTELY APPLICABLE STATUTORY AUTHORITY FOR DEPORTATION WOULD BE 8 USC 1251 (A) (6) (F), APPLYING TO "ALIENS WHO ADVOCATE OR TEACH...THE DUTY, NECESSITY, OR PROPRIETY OF THE UNLAWFUL ASSAULTING OR KILLING OF ANY OFFICER OR OFFICERS...OF ANY...ORGANIZED GOVERNMENT, BECAUSE OF HIS OR THEIR OFFICIAL CHARACTER." WHAT LITTLE EVIDENCE WE HAVE ON RODRIGUEZ, BASED ON HIS ACTIONS AT THE PHILIPPINE EMBASSY WHEN AMBASSADOR ROMUALDEZ WAS BEING HELD AT GUN POINT BY LECHOCO, WOULD PROBABLY NOT SUSTAIN SUCH A CHARGE AND WOULD IN ANY EVENT BE INADMISSIBLE AS HEARSAY OR BECAUSE INPERMISSIBLY OBTAINED.

4. OTHER RODRIGUEZ ACTIVITIES CONTINUE UNDER INVESTIGATION WITH CERTAIN ASPECTS STILL TO BE RESOLVED. FOLLOWING COMPLETION OF THESE THERE WILL BE A FURTHER PRESENTATION TO THE DEPT OF JUSTICE FOR AN OPINION REGARDING PROSECUTION. WE WILL KEEP EMBASSY INFORMED.

INGERSOLL

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